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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,335	12/11/2000	Paul C. Ross	1-3	5430

27997 7590 07/08/2004

PRIEST & GOLDSTEIN PLLC  
5015 SOUTHPARK DRIVE  
SUITE 230  
DURHAM, NC 27713-7736

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/735,335

Applicant(s)

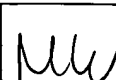
ROSS, PAUL C.

Examiner

Jonathan Ouellette

Art Unit

3629



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>2</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by InfoMove (“InfoMove Partners with Etak and University of Washington to Deliver Real-Time Traffic Information to the Car via Wireless Internet.” Business Wire, January 5, 2000).**
3. **As per independent Claims 1, 6, 17, and 23,** Infomove discloses a method (telecommunications terminal) of operating a telecommunications terminal, said method comprising: receiving a geographically-sensitive message and an indicium of a geographic location of relevance; ascertaining a geographic location of said telecommunications terminal; determining a geographic region of interest based on said geographic location of said telecommunications terminal; determining whether said geographic location of relevance is within (overlapping) said geographic region of interest; and disregarding said geographically-sensitive message when said geographic location of relevance is not within (overlapping) said geographic region of interest (“InfoMove Partners with Etak and University of Washington to Deliver Real-Time Traffic Information to the Car via Wireless Internet.” Business Wire, January 5, 2000).

4. As per Claims 2, 7, 18, and 24, Infomove discloses wherein said telecommunication terminal is mobile; and wherein said geographic region of interest is based on said geographic location of said telecommunications terminal and on a direction of motion of said telecommunications terminal.
5. As per Claims 3, 8, 20, and 26, Infomove discloses wherein said telecommunication terminal is mobile; and wherein said geographic region of interest is based on said geographic location of said telecommunications terminal and on a speed of said telecommunications terminal.
6. As per Claims 4, 9, 21, and 27, Infomove discloses wherein said geographic region of interest is based on a priority of said geographically-sensitive message.
7. As per Claims 5, 10, 22, and 28, Infomove discloses wherein said geographic region of interest comprises at least one of a polygon and a conic section. NON
8. As per Claims 19 and 25, Infomove discloses wherein said receiver is also for receiving a definition of said geographic region of relevance, and further comprising a memory for storing said definition of said geographic region of relevance with said indicium of said geographic region of relevance as an index into said memory.
9. **As per independent Claims 11 and 14**, Infomove discloses a method (telecommunications terminal) of operating a telecommunications terminal, said method comprising: receiving a geographically-sensitive message and an indicium of a geographic region of relevance; ascertaining a geographic location of said telecommunications terminal; and determining whether said geographic location is within said geographic region of relevance; and disregarding said geographically-sensitive

message when said geographic location is not within said geographic region of relevance (“InfoMove Partners with Etak and University of Washington to Deliver Real-Time Traffic Information to the Car via Wireless Internet.” Business Wire, January 5, 2000).

10. As per Claims 12 and 15, Infomove discloses receiving a definition of said geographic region of relevance before receiving said geographically-sensitive message and said indicium of said geographic region of relevance; and storing said definition of said geographic region of relevance into memory with said indicium of said geographic region of relevance as an index into said memory.
11. As per Claims 13 and 16, Infomove discloses wherein said geographic region of relevance comprises at least one of a polygon and a conic section.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.
13. The following U.S. patent are cited to further show the best domestically patented prior art found by the examiner:

#### **U.S. Pat. No. 6,731,940 B1 to Nagendran**

Nagendran discloses a system/method for providing location based information to mobile terminals (C2-C4).

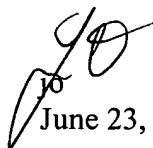
14. The following foreign patent is cited to show the best foreign prior art found by the examiner:

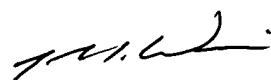
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**PCT No. WO 200176173A2 to Wunker**

Wunker discloses an advertisement data transmitting method involves allowing user to access or download specific subset of set of advertising data from server, based on location of mobile phone

15. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
June 23, 2004

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**